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9 Attorneys for plaintiffs

6 **IN THE UNITED STATES DISTRICT COURT**  
7 **SOUTHERN DISTRICT OF NEW YORK**

8 KINGSLEY CAPITAL MANAGEMENT,  
9 LLC, an Arizona limited liability company,  
10 and BRUCE PAINE KINGSLEY MD IRA  
11 ROLLOVER, a Qualified Individual  
12 Retirement Account,

13 plaintiffs,

14 vs.

15 THE MEMBERS OF THE BOARD OF  
16 DIRECTORS OF THE PARK AVENUE  
17 BANK OF NEW YORK AS OF 2008:  
18 DONALD G. GLASCOFF JR., CHARLES  
19 ANTONUCCI SR., BRUNO DE VINCK,  
20 FREDERICK KELLER, PATRICK R.  
21 MURPHY, ANGELLA MIRIZZI-OLSON,  
MENDEL ZILBERBERG,

defendants.

Case No. 1:12 CV 06260 TPG

**NOTICE OF DISMISSAL  
WITHOUT PREJUDICE**

Pursuant to Rule 41(a)(1)(A)(i), Fed. R. Civ. P., plaintiffs Kingsley Capital Management, LLC and Bruce Paine Kingsley MD IRA Rollover hereby give notice of the dismissal of all claims alleged in this action, without prejudice.

1 A proposed form of order approving the dismissal is lodged contemporaneously  
2 herewith.

3 RESPECTFULLY submitted this 30<sup>th</sup> day of September, 2015.

4 **CONANT LAW FIRM, PLC**

5 By: /s/ Paul A. Conant

6 Paul A. Conant

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Attorneys for plaintiffs

8 **CERTIFICATE OF SERVICE**

9 I hereby certify that on September 30, 2015, I electronically transmitted the attached  
10 document to the Clerk's Office using the CM/ECF System for filing and electronic service,  
with a copy electronically delivered to Judge Thomas P. Griesa.

11 On this 30<sup>th</sup> day of September, 2015, a copy was served by electronic delivery and/or  
12 mailed through the CM/ECF System, or mailed, to:

13 William P. Munday, Esq.

Laura A. Siclari, Esq.

14 McCusker, Anselmi, Rosen & Carvelli, P.C.

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15 Florham Park, New Jersey 07932

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16 Nathanel Z. Marmur, Esq.

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18 New York, NY 10022

19 /s/ Karen Stecker